A WEAK OPENING FOR "THE TIMES."

TORNEY-GENERAL WEBSTER MAKES A DULL

VAGUE AND PROSY PRESENTMENT WITH NO POSITIVE STATEMENTS.

London, Oct. 23.—The Commission appointed to investigate the charges made by "The Times" egainst Irish members of Parliament opened court at 11 o'clock this morning.

Sir Charles Russell, as leading counsel for Mr. Parnell, opened the proceedings by applying for the release from Wexford Prison of William

Justice Hannen, president of the Commission, said the same course would be adopted with Mr. Redmond as in the case of John Dillon. His release must not be construed to mean that he had been granted immunity from imprisonment. He would be set free only under strict conditions. These would not allow of his taking any part in public life, and would compel him to hold himself strictly a prisoner on parole.

Sir Charles Russell intimated that for the present he would not insist upon his application for Mr. Redmond's release.

A discussion then ensued upon the length of time the court should sit weekly. Counsel for both sides concurred in a proposal to held sessions upon four days of each week, but the court decided to meet every week-day except Satur-day, and asked counsel to expedite the pro-

Attorney-General Webster opened the case for "The Times." He promised to give the court the fullest information_in "The Times's" power regarding the source of the evidence against the Irish party which "The Times" had published. He would not treat the case as having anything or of any supposed burning Irish question. The inquiry was strictly into the specific charges made in the O'Donnell action against "The Times," and he would be careful not to introduce ques tions beyond the charges. The Attorney-General then proceeded to review "The Times's" articles Parnellism and Crime," going over the old

It would be shown, said Mr. Webster, that many of the men mentioned in "The Times's" particulars had personally taken part in crimes of the worst kind, while, with scarcely any exception, the persons mentioned had never denounced outrages or the National League to comply with the Commisson's order regarding the discovery of bank-books, The Times's" counsel had been unable to shape their case as they had expected to. Still, even vithout the bank-books, they would prove that noney had been paid by the League to men appointed for the actual commission of acts of and some were provided with money from funds otained in Ireland. From the outset of the Land league's existence and since the formation of the National League Mr. Parnell and his colleagues hid been intimately associated with Irish-Americans who were advocates of dynamite. Remarkable evidence would be produced to prove this connection, and to show also that an extraor disary number of untraced crimes were due to the incitement of the League.

Referring to letters implicating Mr. Parnell and others in crime, Mr. Webster promised to produce before the Commission all the letters which case. Ie then went on to recount the history of the league's connection with agrarian agitutions and showed how they were related to Fenian-He recited instances were Davitt, Devoy, Walsh, Igan, Brennan, and Matthew Harris had held communication with the Parnellite party, and declared that they were linked to that party by common ams and interests.

Here a ecess was taken for luncheon. When the court reassembled the Attorney-General remed, queting from speeches of Nationalist

When the court adjourned for the day, Mr. Webster was apparently only a small way advanced in the presentation of his case. The vagueness and general character of his statements left an impression that "The Times" has no absolute legal proof of the truth of its charges. Instead of producing evidence that Mr. Parnell and his associates were accomplices, before or after the fact, with the Phoenix Park murderers, he will attempt to justify "The Times's" accusations by raking up outrages attributed to memhers of the League and trying to connect them with the Parnellites. Mr. Webster seemed to be hampered by a dread of committing himself beyond the most cautious statement. He spoke in his worst form, prosing along in a dreary monotone, without the least display of rhetoric. There was an utter absence of points in his statement, and exposition of "The Times's" case was a gen-

erally disconnected one. The court-room was well filled, but was not over-crowded. Perfect order prevailed. The general public was not admitted. Mr. Parnell and numerous other Nationalist members of Parlia-

ORIGIN OF THE COMMISSION. THE TIMES'S" ATTACKS ON MR. PARNELL AND

HIS FOLLOWERS-FIRST SESSION OF

THE COMMISSION. Last summer, in a series of articles entitled "Par-nellism and Crime," "The London Times" alleged, among other things, that Frank Hugh O'Donnell and other Parnellites were accomplies of the Invinci-bles in planning the Phoenix Park murders. Mr. £50,000, and during the trial of the case in July "The Times" sought to comect Mr. Parnell with crimes in Ireland, and produced alleged letters from Mr. Egan, written from Paris in 1881, when he was treasurer of the League, which were interpreted to mean that Mr Parnell approved of the Phoenix Park murders. The and Mr. Egan denied the authenticity of the letters produced by "The Times." The result of the suit satisfied no one. Mr. O'Donnell's reputation was not injured and "The Times" gained no consolation. Mr. Parnell did not wish to bring a suit for libel against "The Times," that preferred to ask in the House of Commons for committee to inquire into the authenticity of the letters published by "The Times," in which he and other National members of Parliament were charged with serious crimes. The Govern ment declined to grant a day for discussion of the motion, but proposed to create a commission of judges to inquire into the charges. This proposition was either to accept or reject it, leaving it to the House of Commons to decide. He wished to have the inquiry confined to examining into the authenticity of the letters said to have been written by him. The bill creating the Commission underwent violent debaie in the House of Commons. On August 3, it was passed under stringent application of the closure. Every amendment proposed Mr. Parnell and his Liberal allies was pitilessly defeated, and the last vote taken showed a majority of eighty-two for the Government. Later Judges Hanen, Smith and Day were appointed as members of the

The Commission first met on September 17, hold ing its meeting in the room of the Probate Court. tepresentatives of the English and American news papers, about two hundred in number, occupied the greater part of the room. Sir Charles Russell and Henry Asquith appeared for the Parnellites and Mr. Ruegg watched the case for Mr. O'Donnell. Grahame and Attorney-General Webster appeared for The Times " Judge Hannen announced that the that were made the cause of the action. In the first Instance the inquiry would be made as though it were but the Commission would reserve the power call anybody who might throw light involved. It was stated that NEW-YORK, TUESDAY, OCTOBER 23, 1888.---TEN PAGES.

whom it had brought charges. Later the Commis-sion decided that it had authority to order their pro-Russell's clients could inspect. On motion of Sir the Commission decided to order the release of Mr. Dillon on ball to appear as a witness. The only other business transacted by the Commission was to issue

"The Times" would produce all the letters and

ousness transacted by the Commission was to issue an order for an inspection of the bank-books of the National League. An adjournment was then taken until October 22.

In this preliminary tussie both sides professed to be satisfied. The Parnellites were successful in enforcing the production of all the letters and documents, and in securing instructions to "The Times" to formulate the definite charges it is prepared to prove, as well as the allegations failing short of definite charges. "The Times" scored a point in gaining ac-

A RAILWAY CRISIS IN THE NORTHWEST. THE PORTAGE LINE NEAR THE CANADIAN

Portage line is within 200 yards of the disputed force a crossing early this week, and in order to prenadian Pacific authorities. All the military forces in District No. 10 have been ordered to hold themselves in readiness. The force comprises the 19th and the 91st Battalions of militia, numbering 300 men; the cavalry troops, fifty strong; the Winnipeg field bat-tery, fifty strong, and the mounted infantry school 100 strong. The latter is the only force on which they ran rely. The others are militia, and their sympathies are with the Province.

THE ITALIAN RAILWAY DISASTER.

The work is impeded by cold and snow. An his hair had turned white. An entire family, consisting of six persons, was killed.

Two carriages in which were thirty carabineers sustained no damage. The carabineers were able to assist in extricating the victims. All the official attached to the train were killed.

It is estimated that 200,000 cubic metres of earth fell upon the line. Many of the passengers who escaped with their lives left the scene immediately after the accident. It is therefore impossible as yet to tell the exact number of the killed.

Paris, Oct. 22.—At a meeting at Lyons, M. de Lesseps declared that the Panama Canal would be opened for traffic in July, 1890. He said he wished to correct the report that the opening would be delayed until 1891.

MOVEMENTS OF RUSSIAN TROOPS. Vienna, Oct. 22.-The "Fremdenblatt" states that it has been informed that Russia has completed preparations for the transfer of a large number of troops from the interior of Russia toward the Austrian and German frontiers, and that the transfer will shortly be made.

Paris, Oct. *22.-An attempt has been made by incendiaries to destroy the Fentainbleau forest. Fires were started in five different places, and were forage was consumed. The loss is 1,250,000 francs. I'wo men have been arrested on suspicion of having started the fires.

Paris, Oct. 22.—The Cabinet has approved the scheme of M. Peytral, Minister of Finance, to impose a tax of one per cent upon incomes and a tax of one half of one per cent on labor returns. Incomes of less than 2,000 france are to be exempt from taxabe allowed a certain mitigation. Resident foreigners are to be liable for the whole of their incomes, and

LEGITIME THE PRESIDENT OF HAVEL Washington, Oct. 22.-Stephen Preston, the Haytien Minister here, has received a cable dispatch dated Port au Prince, October 17, by way of Cuba, an-Assembly of General Francois Denvs Legitime as President of the Republic. Cape Hayti, Gonaives and st. Marc, having revolted against the Legitime Gov-ernment, have been closed to foreign commerce and a naval force is before these ports to enforce the decree of the Government against all vessels endeavor-ing to evade the same.

MR. FLOOD SLIGHTLY BETTER. Heidelberg, Oct. 22.-Mr. Flood is slightly better

ONLY ONE DEATH FROM THE FEVER. FORTY-THREE NEW CASES IN JACKSONVILLE-

AT PEACE WITH McCLENNY.

Jacksonville, Fla., Oct. 22 (Special).—President Neal Mitchell's official bulletin of the progress of vellow fever in the twenty-four hours ending at 6

The only death was that of W. H. Pearl. It was reported to-night that the volunteer physiians had sent in resignations to the Board of Health,

as there is no further work for them to do. The misunderstanding heretofore existing between McClenny and the Auxiliary Sanitary Association seems to have been satisfactorily adjusted. Yesterday a conference was held between delegates from that place and President McQuaid, Mayor Gerow and Dr. Kenworthy, of this city. A cool, calm, dispassionate interchange of views was had. The McClenny delegates were not then prepared to give a list of their wants, but promised to do so immediately on their return; and in accordance with this a telegraphic requisition was received this morning, which was immediately filled from here. There are now about 500 persons in McClenny who have to be fed. The authorities are employing all the able-bodied men on the roads, and are paying them in rations instead of money, at the rate of \$1 per day. The delegates were told to make an estimate of how much money they needed to pay bills, and it would be disbursed through an agent sent from here. They stated that through an agent sent from here. They stated that they were unable to say how many were sick at McClenny, probably twenty; and that most of the material for the epidemic was now exhausted. They assert that one cause of the misanderstanding which has existed between the two places was the defective telegraph service, there being omissions and additions which entirely changed the meaning of the messages. Decatur, Ala., Oct. 22.—There has been one case, fee Lyton, and two deaths, Mrs. Wooldrige, and Clint Lanler, city marshal.

The Tribune received yesterday from "The Newburg Journal." \$17 25 for the yellow fever sufferers, the sum being the receipts at a game of baseball at Crawshaw Carpet Works. Newburg had before contributed \$118.20, the proceeds of a game of ball be-tween nines from "The Journal" and "The Register," the former nine representing the Harrison League and the latter the Cleveland League. The score in this game, naturally enough, was 13 to 12 in favor of the former club.

TO SWELL THE MARTIN MEMORIAL FUND. Savannah, Ga., Oct. 22.-The executive committee of the Martin Memorial Fund is sending out by mail an appeal to 2,000 newspaper offices and leading journalists, soliciting contributions. The total in hand is already approaching \$500. Drafts should be made payable to J. H. Estill, chairman.

AN OWEGO MAN ARRESTED FOR FORGERY. Philadelphia, Oct. 22 (Special).—William Hogan, allas James Jones, of Owego, N. Y., was brought before Judge Smith to-day charged with forging the

named Comfort. He denied the charge at first, but finally admitted his guilt. He was locked up to await THE TILDEN WILL UPHELD.

AGAINST CARLO QUARTARARO. VERDICT ON THE COOPER UNION MURDER.

THE BROTHER OF THE ACCUSED MAN GIVES HIM SELF UP.

Carlo Quartararo, the Italian who is accused o the murder of Antonio Flaccomio, in Eighth-st., was still at liberty yesterday, but the detectives had not given up hope of arresting him. His brother, Vincenfor several days. It was hoped that Vincenzio would meet his brother somewhere, and the detectives fol-lowed him about, instead of arresting him. He was Headquarters to surrender himself. Inspector Byrnes heard that a Coroner's jury had declared that Vin-

store at No. 281-2 Little Twelfth-st. Vincenzo tended the store, while Carlo did the buying and also looked after the brushmaking business, at No. 118 Third-ave., where the prisoner, Aita, his father-in-law, was employed. The brothers lived in the same house in Clinton-ave., West Hoboken. The ap-

He is going to buy fruit for our stores, and from Cincinnati he goes to Florida. I was not in La Trinacris, in Eighth-st., on Sunday night, when Flaccomio was killed, and I do not believe my brother was there either. I had been in Mt. Vernon on Sunday, and got home before 11 o'clock at night. My brother was at home that night also. I am no belongs to the society."

Coroner Eldman yesterday began an inquest in the case, and Francisco Alia, Natale Sebatino and Guiseppe Canezzaro, who were locked up in Police down to the Coroner's office. Frank Aita was the first witness examined. He said that on the night of the stabbing he, with Flaccomio, Carlo and Vincenzo Quartararo, Guiseppe Temaro, Genoa Gerolamo rant at No. 8 St. Mark's Place. Flaccomio quarrelled with the Quartararo brothers, and Alta took him out of the place and over to Cooper Union. Soon afterward, the brothers, with Natale Sabatino and Gerolamo, came over after them. Vincenzo carried a long knife. Alta said that he faced Vincenzo, and

long knife. Alta said that he faced Vincenzo, and that while his back was turned on Flaccomio the latter was stabbed by Carlo Quartararo.

Natale Sabatino told substantially the same story as Alta. He saw Vincenzo Quartararo running toward Flaccomio with a big knife, crying, "I'm going to kill you." He saw Alta stop him and then saw Carlo Quartararo stab Flaccomio. The latter fell and cried out, "I am dying. Quartararo killed me." He professed ignorance of the secret society.

The jury decided to hold Sabatino, Alta and Canazarrito as witnesses. They adjudged Carlo Quartararo guilty of the crime.

BURIAL OF COLONEL R. M. PULSIFER. THE FUNERAL PRIVATE-HIS LIFE INSURANCE

-OTHER INVESTMENTS. Boston, Oct. 22 (Special).-The funeral of Colonel at his mother's home in Newton and was strictly private. The services were conducted by the Rev. John

Wooster, of the Swedenborgian Church. President Potter, of the Maverick Bank, denies the rumor that he was one of Mr. Pulsifer's heaviest

been financially embarrassed for a long time, but I know no more about his transactions than you do consistently grant. I told him so, and he went out, Colonel Pulsifer carried a heavy life insurance. The

follows: New-York Equitable, \$100,000; New-York Mutual, \$10.000; New-York Mutual, \$15,000; Northagents say, without question. The last time Colonel \$5,000 of the Equitable, as legatee of Palmer, who killed himself by jumping from a Portland boat. The last business venture of Colonel Pulsifer was that known as the conduit system, by which it was proposed to get a monopoly of the use of the streets of the city of Boston for the purpose of laying electric wires underground. It did not meet with success, owing to

the action of the City Council.

G. R. Eager, of the Marietta and North Georgia Railroad Company, said this morning: "Mr. Pulsifer was president of our company and, I think, owned a large block of stock. This stock of the company is worth four times the amount that Mr. Pulsifer paid for it. I cannot say how much of the stock Mr. Pulsifer owned, for the books are in Georgia. He also owned some stock in the American Marble Company, whose uarries are in Georgia. He owned no stock in the North Georgia Improvement Company."

a few hours after Colonel Pulsifer died, \$7,000,000 in bonds of the Marrietta and North Georgia Railway nto which Colonel Pulsifer had put a large amof money which was regarded as hopelessly sunk, were floated in London at par. To night the City Council of Boston passed over the Mayor's veto all the orders relating to conduits for the carrying of all electric wires underground. This was the last that it would not succeed.

The man servant employed on Mr. Pulsifer's estate, who was the first to find his employer's dead body, to-day said:

"On Saturday morning, at the request of Mr. Whiting, I examined Mr. Pulsifer's house. I looked through the house and saw nothing astray. An hour or so later I again went over the house, prompted by some unknown feeling. On my first round 1 did not enter the guest-chamber. I found it locked, and as it always was locked, I did not notice any thing unusual. The second time I opened the door, On the bed I found Mr. Pulsifer, apparently sound asleep. He had got into bed without undressing and had drawn the bedelothes over him. He was dead. I immediately sent for Dr. family physician, who notified Medical Examiner I stood by them as they examined the body, and their opinion was that he died suddenly, almost as soon as he laid down, from a natural cause. He looked perfectly natural, and it seemed to me as though his life had suddenly stopped like the stopping of a clock. His face was calm and natural. There was no disturbance of the bedclothes, nor was there any sign of emotion about the body. It looked as strange in his coming alone out here and going to bed. He has done so before, and so has his son." F. F. Whiting, for some time the private secretary of Colonel Pulsifer, and now one of the proprietors of "The Herald," whose residence is close to that of

"On Wednesday night, at dinner with his family, Mr. Pulsifer was overcome with an attack of the heart. He said 'I feel as though my head was swimming.' adjoining room and recovered presently, saying, There seemed to be a terrible strain in my head, but I am better now.' Earlier in the same week, Mr. Pulsifer had a similar attack, but less marked. Previous to this time he had complained of being imporarily overcome by pains in his head and breast Nothing was thought of the last attack until he failed to return from Springfield on Friday night.

"When found, Mr. Pulsifer had in his pocket all the necessary papers which be was to use in the transaction of business at Springfield on Friday. preparations to go to Springfield were complete and he from the effect of some trouble of the heard and mnd."

COLONEL PULSIFER DEEPLY DESPONDENT. Chicago, Oct. 22.-E. B. Rankin, who has been one of the editors of "The Boston Herald" for twenty years, in speaking to-day of the tragic death of Colonel Pulsifer, said: "There will always be a mystery surrounding his death, but I have no doubt that he either shot himself or took poison, for he has been despondent owing to his enormous losses in unlucky speculations. It seemed as though every thing he touched turned out was recently employed, to several checks for various amounts. He was also charged with having a check bearing the purported signature of an Owego jeweller his proud spirit, and he took his own life.

LIBRARY.

JUSTICE LAWRENCE, OF THE SUPREME COURT, HOLDS THAT THE BEQUEST IS NOT VOID BY REASON OF THE UNCERTAINTY OF THE

The disputed clauses in the will of Samuel J. Tilden, providing for the establishment and maintenance of a free library and reading-room in ions at issue were tested in a suit brought by George H. Tilden against Andrew H. Green and others. The Judge, in a long opinion, states that

case and his conclusions substantially as follows:

The Judge says that the main discussion in the argument and in the briefs presented was as to the validity of the provisions of the thirty-fifth clause of the will, which is as follows:

use, to such charitable, educational and scientific pur-poses as, in the judgment of my said executors and trus-tees, will render the said rest, residue and remainder of my property most widely and substantially beneficial to the interests of mankind.

the English doctrine of charitable uses or "the doctrine of cy pres," and that neither of those doctrines have any place in the law of this State. As to this last contention, the Judge holds that the plaintiff is right, and proceeds as follows

It appears from the evidence that the testator died on the 4th of August, 1886, leaving him surviving his sister, Mrs. Pelion, the plaintiff and his brother, the defendant, Samuel J. Tilden, jr., his nephews and the defendants Herrietta A. Swan. Caroline B. Whittlesey. Ruby S. Tilden and Susan G. Tilden, his nieces, who were his only heirs at law and next of kin. Mrs. Pelion has died since the commencement of this action and her daughter, the the commencement of this action and her daughter, the defendant Mrs. Hazard, her only next of kin and heir at iaw, was, by her will, which has been duly admitted to probate, appointed as her executrix. Ruby S. Tilden and Susix Whitelessy, the persons named in the said thirty-fitie clause, are still alive. On the 4th day of January, 1887, the executors and trustees under Mr. Tilden's will made an application in writing to the Legislature for the incorporation of the Tilden Trust and declared in such application that they charged to confine their designations of plication that they elected to confine their designations of the purposes and objects of said corporation to the estabishment and maintenance of a free library and reading oom in the city of New-York.

The Judge says that by the act of meorporation, Messrs, Bigelow, Green, and Smith were de clared to be the permanent trustees of the corporstion, and they were required within ninety lays from the passage of the act to appoint other trustees, so that the number should not be less than five. All the powers of the corporation were vested in the trustees and they received the right to take, under the will, subject to its provisions, the property given to the trust. The trustees accepted the act of incorporation and duly orranized, appointing Messrs, Orr and Walker adlitional trustees. The executors only conveyed to them the estate authorized to be given them for the Trust. The Judge says that the executors and trustees have thus divested themselves, as far as it was in their power to do so, of any interest they had in the residuary estate, and vested it in the Trust, and have done so " within the lives of Ruby S. Tilden and Susie Whittlesey." The Judge helds that the provisions of the bequest are not void "either by reason of the ncertainty of the object of the trust or the subect of the trust." He declares that it is clear that the testator did not intend that the plaintiff or any of his heirs should have any portion of his residuary estate. He cannot find that any of the provisions in question are void as being vague and uncertain.

A CONTENTION WITHOUT FOUNDATION. The contention that the primary gift is void eccause it is entirely within the discretion of the executors, whether they will give anything or nothing to the Tilden Trust, is regarded by the Judge as without foundation. The Judge pro-

If, then, the primary gift is not uncertain because of the discretion vested in the executors, is it void for uncer-tainty because no specific sum is mentioned in the will? The executors, it will be seen, can give the whole of the esiduary estate, or such portion as they may deem ex-edient. This is no more indefinite than the bequest in Powers vs. Cassidy (79 N. Y., 602), which was sustained. there the testator left one third of his residuary estate to be divided by his executors among such Roman Catholic churches, institutions, schools or charities in the city of ew-York as the majority of his executors should de and in such proportions as they should think proper. Here the testator in effect leaves the whole of his residuary esthe testator in effect leaves the whole of his execu-tate to the Tilden Trust, or so much thereof as his execu-tors may deem expedient. . . It is ured by the learned counsel for the plaintiff that the provision in question is void because it creates a trust which is not one of the express trusts provided for by Section 55 of the Statute as to Uses and Trusts. (1 R. S., 728, 729.) The bulk of the property which was in the hands of the executors at the time of the conveyance to the Tilden Trust was personal property and the provisions of the Revised Statutes which

re cited only apply to real estate. the point that "the gift of the whole of the residuary estate to a future corporation is in condict with the laws of this State establishing a uniform, consistent and well-defined mortmain policy." Nor can he agree with the plaintings counsel in the position that the provisions of the will fall within the restrictions of the The Judge says he does not deem well-taken

statute relating to perpetuities. On this point he says:

known as the Tilden Trust shall be incorporated in form and manner satisfactory " to my said executors and trustees furing the life time of the survivor of the two lives in created is limited"—to wit, the lives of Ruby S. Tilden and Susie Whittlessy. It is very clear from this that the testator had in mind the provisions of the Revised Statutes in respect to the suspension of the power of alienation, and that he intended that his executors should comply with those provisions. It is argued that the executors and trustees might by possibility omit to procure the incorporation within the period of the two lives specified and that then under the ulteriar effect over lives specified, and that then, under the ulterior gift over, they would hold his estate for an indefinite and unlimited period of time to the use of mankind. To this position

CONSIDERING MINOR QUESTIONS.

Having reached the conclusion that the primary gift contained in the thirty-fifth paragraph of the will is not void, either as to uncertainty of object statute against perpetuities, and that the provisions of the Revised Statutes in relation to express trusts of the Revised Statutes in relation to express trusts as to lands do not apply in any event as to the personal estate, the Judge considers some minor questions. He answers the question, "What is the estate or interest which the executors and trustees hold in the property devised and bequeathed?" by saying:

I am strongly inclined to the opinion that under Burrill vs. Beardman it should be held that the testator intended to limit a contingent future interest in the nature of an executory devise, the contingency depending upon the creation of a corporation by the Legislature capable of taking within the period allowed for the suspension

at by an examination of the whole will.

The Judge holds that as the testator's intention in regard to his heirs is clear and can be carried out without violating the rules of law, the provisions of Articles 35 and 39 should be harmonized, and the Court should refuse to declare that the testator died intestate as to his residuary estate. The benefit of every doubt should be given in support of the will. Even if the Tilden Trust is not the incorporation designed by the testator, the will should not be declared void, as this may be rectified within the two lives designated in the will. In conclusion Justice Lawrence says:

the validity of the provisions of the will cannot be suc-cessfully sustained. No special argument has been made against the clauses of the will relating to the support and

Joseph H. Choate, L. D. Brewster, Delos Mc-Curdy and Vanderpoel, Green & Cuming ap-peared for the plaintiff, and James C. Carter, Daniel G. Rollins, George F. Comstock and Smith M. Weed for the defendants.

THE END OF THE BATTLE IS NOT YET. James R. Cuming, of the firm of Vanderpoel Cuming & Goodwin, attorneys for the plaintiffs, said to a Tribune reporter who called upon him at his home, No. 204 West Forty-third-st., last

course there will be an appeal. It is one of those cases in which it was certain at the beginning that neither decision on the appeal. Probably the case might be reached in the General Term by January, as it will be a preferred case, but in the Court of Appeals it would have to go on a new calendar. The consideration of the cases on the present calendar has just been begun. It took three years to dispose of the last calendar.

REGISTER IN BROOKLYN TO-DAY.

REPUBLICANS IN THAT CITY SHOULD DO THEIR DUTTY TO-DAY, IF NOT ALREADY DONE.

The last opportunity to register in Brooklyn this four days were allowed last year has not been re peated. It is imperatively necessary that every Re-Democratic plurality in Kings County must be kept rison, Morton and Miller. The excellent Republican local nominations contrasted with the Democratic "machine" selections, should lead to the fullest pos-stole registration of all voters opposed to "boss rule." The hours of registration are from 7 to 10 a. m., and is an influential Democrat.

A POST OFFICE CLERK ARRESTED.

STEALING VALUABLE LETTERS THAT REACHED

Boston, Oct. 22.-Charles R. Ebaun, a post office clerk, was arrested this morning charged with stealing letters from the mails. Eleven stolen letters were found in his pockets. Ebaun is a Frenchman by birth and an expert linguist. He has been employed in the post office since 1882. A decoy letter addressed to M. A. Dauphin, agent of the Louisiana Lottery, was recently placed in Ebaun's way and was found upon him this morning. Despite his small salary, Ebaun lived in fine style and the bank acsalary, Ebaun lived in fine style and the bank accounts of both himself and his wife are said to be large. Ebaun has been a constant patron of the Louisiana Lottery. It is thought by the officials that letters to and from M. A. Dauphin have been the principal objects of his attention. He is treasurer of the French Catholic Church in North Bennett-si. Ebaun has had a remarkable career. According to his own story, his father was an engineer at the building of the Suez canal. Ebaun was placed on a training ship in the English navy, where he served seven years. He then became an employe of the Inman Steamship Company, and met Charles Sumner, who took a great fancy to him and secured his services as a body-servant. He remained in Mr. Services as a body-servant. He remained in Mr. Glue was treated as a raw material in the first draft. letters to and from M. A. Dauphin have been the principal objects of his attention. He is treasurer of the French Catholic Church in North Bennett-st. Ebaun has had a remarkable career. According to his own story, his father was an engineer at the building of the Suez canal. Ebaun was placed on a training ship in the English navy, where he served seven years. He then became an employe of the Inman Steamship Company, and mot Charles Sumner, who took a great fancy to him and secured his services as a body-servant. He remained in Mr. Sumner's employ until about the time of the statesman's death, when he became the servant of George S. Hillard, of Boston. Shortly after the death of Mr. Hillard, Ebaun secured a position in the post office.

THE MAN SHOT BY OFFICER COHEN WILL DIE. John Farley, truck driver, of No. 1,741 First-ave., who was shot by Policeman Morris Cohen, in East Ninety-second-st., on Sunday night, was alive in the Presbyterian Hospital yesterday, but the surgeons did not have much hope of his recovery. His four companions, who joined in the assault on the policeman, were arraigned at the Harlem Police Court. Policeman Morris Cohen made affidavit that while attempting to arrest Farley he was assaulted by the young men with him, and that he was obliged to use his revolver in self-defense. Farley made an antemortem statement to Coroner Levy yesterday. He had been drinking with some friends, he said, and when the officer ordered them to move on they started, but did not move fast enough to suit the offistarted, but did not move fast enough to suit the offi-cer, and he struck Farley across the back with his club. Farley then struck the officer in the face, and Cohen thereupon drew his pistol and shot him. Cap-tain O'Connor, of the East Eighty-eighth-st, squal, white defending Cohen's action, made a complaint against him as required by the rules of the depart-ment.

A VERDICT OF GROSS NEGLIGENCE AT MUD RUN. Mauch Chunk, Penn., Oct. 22.-After a three days' session, the coroner's jury which has been inves-

PRICE THREE CENTS.

BOURBON CASH AND CREED. THE MILLS BILL ADAPTED TO DEMOCRATIO

ITS INVENTORS BELIEVED IN PUTTING COAL IRON ORE, LIME, CEMENT AND WOODEN

SCREWS ON THE FREE LIST-THEIR CREED NOT MAINTAINED WHEN DEMOCRATIC MAJORITIES WERE IN PERIL-MR. BLAINE'S SPEECH IN BUFFALO.

Buffalo, N. Y., Oct. 22.-James G. Blaine as-

rived here from Chicago at 6 o'clock to-night and was at once taken to the Tifft House, without any general demonstration except enthusiastic cheers from crowds in the streets. After supper he was escorted by the members of the Buffalo Republican League and Young Men's Republican Club to the Main Street Rink. This was the largest available building that eculd be had for the evening. Although there was no speaking 8 o'clock the building, has a seating capacity of 4,000, was filled till there wasn't a spare inch of space, at 7:30, and the crowd outside

was as large as that inside. When the carriage containing Mr. Blaine drove up and the Plumed Knight was recognized, a cheer was raised the in Buffalo. With Mr. Blaine were General Adam E. King, John M. Thurston, Theron B. Keater, of Indiana, and Walker Blaine. It was with the utmost difficulty that the party made its way the Veteran Tippecanoe Club, Buffalo men who worked for William Henry Harrison, one of whom is the President's uncle, Lewis F. Allen. Mr. Blaine spoke for about twenty minutes, devoting bill. Each of his points was received with rounds of cheers, and the enthusiasm at the close of his address made the walls tremble. He said:

some Democratic journal to tell the public how far and for what reasons raw materials are admitted free by the Mills

free was abandoned.

Iron ore is one of the raw materials about which we

heard much at the beginning of the recent session of Congress. It was proclaimed or all hands by Democrats and Means Committee at once abandoned the idea of put they thought the step unjust, but because they found it would injure the business interests of prominent Demo-

in the State that ordinarily gives a Democratic majority The Democrats of Knox memorialized the Ways and Means Committee, remonstrating against their no cratic county in Maine, they would put lime in the free list. The old duty was restored on lime, but the Democrats of Knox were so justly enraged by the manner in which the Ways and Means Committee had trified with so large and to them so vital an industry, that they turned around in the September election and gave a good sized majority to the Republicans-by way of re-buking an attempt to reform the tariff in the line of a particular division. They will vote still more heavily

a particular division. They will vote still more heavily against Mr. Cleveland in November.

Another case comes very near to you in Buffalo. Coment, Roman, Portland and all others, was put on the free list in the original draft of the Mills bill. It was taken off and restored to its old duty at the instance and by the influence of your fellow-citizen, the Hon. Daniel Lockwood, United States District Attorney. Mr. Lockwood appeared, either as a stockholder in a cement company o attorney for stockholders, I know not which, but he suc ceeded in removing cement from the free list, not simply

DON DICKINSON AND WOOD PULP Wood pulp is treated as a raw material, and was put on the free list in the Mills bill as originally framed, but it was soon discovered that Mr. Don M. Dickinson, Post-master-General, and Mr. I. M. Weston, chairman of the Democratic State Committee of Michigan, owned a valu-able patent for an improvement of the manufacture of wood puip, and that the patent would be rendered worth-less if wood pulp were put on the free list, and so back went the former duty on wood puip, and the value of Mr. Don M. Dickinson's patent was preserved to him by his Democratic associates of the House of Representatives. Mark you, the duty was not restored because, in the belief of the Democratic Committee of Ways and Means, sound policy required, but it was restored because they did not wish to do harm to leading Democrats who were expected to de-liver the electoral vote of Michigan to President Cleveland. wood pulp, and that the patent would be rendered worth liver the electoral vote of Michigan to President Cleveland.

Giue was treated as a raw material in the first draft of the Mills bill, because it is prepared as an essential for so many handlerafts. Glue, therefore, was reported on the free list, but it was soon found that a Democratic syndi-cate in the West made preity much all the give for that cate in the West made pretty much all the giue for that section, and that the Democratic heirs of the venerable Peter Cooper, of New-York, made nearly all the giue for the rest of the country. It was not in the hearts of the Democratic Ways and Means Committee to strike down an interest that could afford large Democratic contributions in the West and that had so prominent and influential a Democrat interested in its manufacture as Mr. Edward Cooper, late Mayor of New-York City, and consequently giue went off the free list and back to its old duty. Another case in point, though not connected with the free list, presents the same extraordinary course with the free list, presents the same extraordinary course on the part of the Ways and Means Committee.

on the part of the ways and Means Committee.

Every one knows, who has paid attention to tariff discussions for the last fifteen years, that the one subject on which the Free-Traders unceasingly harped. on which the Free-Traders unceasingly harped, was that of the monopoly of wood screws, held by some manufacturers in Connecticut. They denounced it through all the moods and tenses of denunciation. It was to be expected, therefore, that the duty on wood screws would be seriously reduced it, indeed, the Democratic Ways and Means Committee, in their wrath, did not put the article on the free list. But the interest was found to be so large in Connecticut, and to be in such large part in Democratic hands that the Democratic of the Ways and Means Committee were advised that, if they hoped to carry Connecticut for Mr. Cleveland, wood screws must be let alone. So this "great odious monopoly," as they had for so many years described it and denounced it, was left undisturbed by the tariff re-"We find that the engineers of locomotives Nos.

452 and 466, of the seventh section, were guilty of gross negligence. We find that the lockout men of the same locomotives were guilty of gross negligence.

We find that the rear brakeman the sixth section was guilty.

I am not at all expressing dissatisfaction with the conclusions which the Democratic Ways and Means Committee reached in these several cases, but I am proving from the changes in their own bill, in its different stages, various provisions in it, just as the personal and pecuniary interests of leading Democrats outside of Congress de-manded, and that, in several important departments of